

U.S. Serial No.: 10/659,055
Filing Date: September 9, 2003

AMENDMENTS TO THE DRAWINGS

The attached sheets of replacement formal drawings include changes to Figure 1 (total of 2 sheets) and Figure 3 (total of 493 sheets) as originally filed. Replacement sheets for Figures 1 -- 1A replace the originally filed Figure 1. Replacement sheets for Figures 3-3TZ replace the originally filed Figure 3.

Attachments: Four-hundred ninety-five (495) Replacement Sheets of formal drawings
Ten (10) Annotated Sheets of drawings showing changes

REMARKS

Reconsideration is respectfully requested. Claims 1, 4, 7, 8, 10, 13, 15-18, 20, 21, and 24-26 are pending. Claims 2, 3, 5, 6, 9, 11, 12, 14, 19, 22, and 23 have been canceled. Claims 1, 7, 8, 15, 16, and 18 are amended. New claims 24-26 are added. No new matters have been added due to the amendments. Amendment to and cancellation of the claims does not affect inventorship.

Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

Claim Amendment

Claim 1 is amended. Support is found, for example, in original claims 5 and 6. Claim 7 is amended. Support is found, for example, in original claims 11 and 12. Claims 8, 15, 16, and 18 are amended to correct informalities. New claims 24-26 are added. Support is found, for example, in the original claims.

Drawings

The drawings are objected to because the headings for the sequences are wrong and the atomic coordinate data in Figure 3 is confusing.

The drawings are amended to correct the numberings of the amino acids to be consistent with the sequence listing. The specification is also amended to include the definition of "NAG" in Brief Description of Figure 3. Applicants respectfully request the amendments be entered and objection be withdrawn.

Sequence Listing

The Examiner objects to the application for failing to comply with the requirements of 37 CFR 1.821 through 1.825.

Applicants respectfully submit that Tables 1-4 and the Brief Description of Figure 3 have been amended to add sequence identification and thus complies with 37 CFR 1.821 through 1.825. Applicants believe that all formalities are satisfied in the specification. Applicants will amend the specification appropriately should the Examiner have any particular concerns.

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Claim Objection

Claim 11 stand objected because of informalities. Claim 11 is canceled, rendering the objection moot.

Claims Rejections - 35 U.S.C. § 112, First Paragraph

Claims 1, 4-8, 10-13, 15, and 16 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description and enablement requirement. Applicants respectfully traverse.

Claims 5-6, 10, and 11 been canceled, rendering the rejections moot.

With regards to claims 1 and 7 (and claims dependent therefrom), the claims have been amended to recite the space group and unit cell, and as such, Applicants believe the rejections under 112, first paragraph for lacking written description and enablement should be withdrawn.

Claims 15 and 16 are newly rejected for lack of written description and enablement. The Examiner states that: “[t]he claims read on any composition of the polypeptide of SEQ ID NO:3, in which includes any crystal for the polypeptide of SEQ ID NO:3.”

Applicants respectfully direct Examiner’s attention to Example 13 of *Synopsis of Application of Written Description Guidelines* (“Guidelines”).

Claim 1 of Example 13 claims “A isolated protein having SEQ ID NO: 3,” where the specification has a working example showing the isolated protein was sequenced and determined to consist of SEQ ID NO:3. As stated in the Guidelines:

A search of the prior art indicates that SEQ ID NO: 3 is novel and nonobvious. The claim is directed to a genus of proteins that comprise SEQ ID NO :3. One member of the genus, SEQ ID NO: 3, is described by a complete structure.

The Guidelines go on to conclude:

The claimed subject matter is adequately described. A rejection under the written description requirement should not be entered.

Applicants submit that the instant application is substantial identical to Example 13. As such, instant claims 15 and 16 meet the written description requirement, and the rejection on this basis should be withdrawn.

Applicants further submit that the instant application also meets the enablement requirement because, as discussed above, the instant application not only discloses working examples, but also discloses how to make variants. The disclosure, taken in view of the general knowledge, enables a skilled

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artisan to practice the claimed invention without undue experimentation. As such, the rejection based on lacking of enablement is improper and should be withdrawn.

CONCLUSION

Applicants respectfully submit that the claims are now in condition for allowance and early notification to that effect is respectfully requested. If the Examiner feels there are further unresolved issues, the Examiner is respectfully requested to phone the undersigned at (415) 442-1000.

Respectfully submitted.

Dated: 3/1/07
Customer Number: 67374
Morgan, Lewis & Bockius LLP
One Market, Spear Street Tower
San Francisco, CA 94105
Telephone: (415) 442-1000

By: Robin Silva
Robin M. Silva, Reg. No. 38,304
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